

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Cody Bowlay-Williams, individually and on
behalf of others similarly situated,

Plaintiff,

vs.

Google LLC,

Defendant.

No. 4:21-cv-09942-PJH

[PROPOSED] ORDER:

**(1) PRELIMINARILY APPROVING
PROPOSED SETTLEMENT;**

**(2) CERTIFYING SETTLEMENT
CLASSES;**

**(3) APPROVING CLASS NOTICE AND
RELATED MATERIALS; AND**

**(4) SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

Date: February 23, 2023
Time: 1:30 p.m.
Judge: Phyllis J. Hamilton
Oakland Courthouse, Courtroom 3

Complaint filed: December 22, 2021
Trial date: None set

Plaintiff Cody Bowlay-Williams and Defendant Google LLC's Motion for Preliminary Approval of Class and Collective Action Settlement (the "Motion") came on for hearing before this court on February 23, 2023 at 1:30 p.m. The Court, having considered the proposed Settlement Agreement (the "Settlement"), attached as Exhibit 1 to the Declaration of Michele R. Fisher filed concurrently with the Motion; having considered the Motion, Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith, and any argument presented at the hearing on the Motion; and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

1. The Court GRANTS preliminary approval of the class and collective action settlement as set forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of the Settlement only, the Court finds that the proposed settlement classes are

1 ascertainable and that there is a sufficiently well-defined community of interest among the
2 members of the settlement classes in questions of law and fact. Therefore, for settlement purposes
3 only, the Court grants certification of the following settlement classes, which are defined as
4 follows:

5 a. The California Class: All non-exempt employees of Defendant who
6 worked in California at any time from December 22, 2017 through June 5, 2022, who were
7 awarded restricted stock units that vested at any time during that period and/or who
8 received a sign-on bonus during that period.

9 b. The FLSA Collective: All non-exempt employees of Defendant who
10 worked in the United States, but outside of California, at any time from December 22, 2018
11 through June 5, 2022, who were awarded restricted stock units that vested at any time
12 during that period and/or who received a sign-on bonus during that period.

13 2. The Court certifies the California Class solely for purposes of Settlement pursuant
14 to Rule 23, Federal Rules of Civil Procedure, and conditionally certifies the FLSA Collective as a
15 collective action solely for purposes of Settlement, pursuant to the Fair Labor Standards Act
16 (“FLSA”), 29 U.S.C. § 216(b).

17 3. For purposes of the Settlement, the Court designates Plaintiff Cody Bowlay-
18 Williams as Class Representative, and designates Michele R. Fisher and Daniel S. Brome of
19 Nichols Kaster, PLLP, and Charles Scalise of Ross Scalise Law Group, P.C. as Class Counsel.

20 4. The Court designates Atticus Administration as the third-party Settlement
21 Administrator.

22 5. The Court approves, as to form and content, the Class Notices for California Class
23 Members (Fisher Decl., Ex. A (Dkt. 63-2 at 9–15)) and for FLSA Collective Members (Fisher
24 Decl., Ex. B (Dkt. 63-3 at 9–16)). Exhibit A shall be sent to California Class Members and Exhibit
25 B shall be sent to FLSA Collective Members.

26 6. The Court finds that the forms of notice to the California Class Members and the
27 FLSA Collective Members regarding the pendency of the action and of the Settlement, and the
28

1 methods of giving notice to Class Members, constitute the best notice practicable under the
2 circumstances, and constitute valid, due, and sufficient notice to all Settlement Class members.
3 The form and method of giving notice satisfies the requirements of law and due process.

4 7. The Court further approves the procedures for California Class Members to opt out
5 of the Settlement, FLSA Collective Members to opt in to the Settlement, and all Class Members
6 to object to the Settlement, as set forth in the Notices.

7 8. The Court directs the Settlement Administrator to distribute the Class Notices to
8 Class Members in accordance with the terms of the Settlement.

9 9. The Notice shall provide at least 60 calendar days' notice from the date of initial
10 mailing for California Class Members to opt out, FLSA Collective Members to opt in, or for any
11 members to object to the Settlement, as set forth in the Notices.

12 10. Pursuant to the Class Action Fairness Act, 28 U.S.C. § 1711 *et seq.* ("CAFA"), not
13 later than ten days after the Parties' joint motion seeking preliminary approval of the Settlement
14 was filed in court, Defendant served upon the Attorney General of the United States and the
15 appropriate state official of each state in which a Class Member resides a notice of the Settlement
16 consisting of: a copy of the pleadings in this action; a notice of the scheduled judicial hearings in
17 this action; copies of the Settlement and Class Notice Packets; and the names of Class Members
18 who reside in each state and the estimated proportionate share of the Class Members in each state
19 compared to the entire Settlement. The notice of Settlement also invited comment on the
20 Settlement. Accordingly, the Court finds that Defendant has discharged its obligations under
21 CAFA to provide notice to the appropriate federal and state officials.

22 11. Defendant also served notice of the Settlement on the California Labor and Workforce
23 Development Agency (the "LWDA") pursuant to the California Labor Code Private Attorneys
24 General Act ("PAGA"), Cal. Lab. Code § 2699(l)(2). The notice of Settlement also invited
25 comment on the Settlement. Accordingly, the Court finds that Defendant has discharged its
26 obligations under PAGA to provide notice.

27 12. The Final Approval Hearing on the question of whether the Settlement should be
28 finally approved as fair, reasonable, and adequate is scheduled for July 27, 2023, at 1:30 p.m.

Counsel for the parties shall file a motion for final approval of the Settlement no later than June 19, 2023.

13. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable, and adequate for the Classes; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, and representative payment to Plaintiff, should be granted.

14. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator no later than [10 days after preliminary approval]:	March 23, 2023
Settlement Administrator to distribute Class Notices to Class Members no later than [14 days after receiving Class Data]:	April 6, 2023
Deadline for Class Members to opt out, FLSA Collective Members to opt in, or for any members to object to the Settlement [60 days after mailing of Class Notices]:	June 5, 2023
Deadline for Parties to jointly file Motion for Final Approval of Class Action Settlement:	June 19, 2023
Final Approval Hearing	July 27, 2023

15. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

16. The Court reserves the right to continue the date of the Final Approval Hearing without further notice to Class Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement.

IT IS SO ORDERED.

Dated: March 13, 2023

/s/ Phyllis J. Hamilton
HON. PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE